

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

WILLIS FLOYD WILEY, #753383	§	
VS.	§	CIVIL ACTION NO. 6:05cv1
RAYMOND E. THOMPSON, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Willis Floyd Wiley, an inmate previously confined at the Beto Unit of the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this lawsuit pursuant to 42 U.S.C. § 1983 and the Americans with Disabilities. On May 1, 2007, the Fifth Circuit remanded one issue for consideration, which concerned whether the Plaintiff had true access to a handicapped accessible shower facility at the Beto Unit. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the Plaintiff did not have true access to a handicapped accessible shower facility when he was confined at the Beto Unit. Magistrate Judge Guthrie also found that the Plaintiff was not entitled to damages from the Defendants remaining in the lawsuit and that their supplemental motion for summary judgment should be granted. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of

the Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Defendants' supplemental motion for summary judgment (docket entry #102) is **GRANTED**. It is further

ORDERED that the claims against Joe Childress, Charles Byrge, Charles Bristow, Mary Billups and Alvin Mann are **DISMISSED** with prejudice. It is finally

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 9th day of January, 2008.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE